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HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.4756 OF 1994

DATED:26th September, 2005

Between:

M/s.IDL Chemicals Ltd., Kukatpally, Hyderabad,

rep.by its General Manager.

..... PETITIONER

AND

1. Addl.Industrial Tribunal-cum-Addl.Labour Court,

Hyderabad, rep.by its Presiding Officer, and 3 others.

.... RESPONDENTS

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HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.4756 OF 1994

ORDER:

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This writ petition is restored to file by an order of this Court dated 26-09-2005 in W.P.M.P.No.26737 of 2005.

2. This writ petition is filed by the petitioner seeking to declare the order of the first respondent as null, void and inoperative and is beyond the powers of the first respondent and to set side the award by issuing a writ of certiorari.

3. The second respondent was a workman of the petitioner. He was absent for more than eight days. Therefore, the petitioner invoked Rule 12-A of the Standing Orders and passed orders intimating the second respondent that he lost his lien on account of his absence for more than eight days. The second respondent being aggrieved by the said order approached the first respondent. The first respondent through the award dated 23-09-1993 in I.D.No.45 of 1993 observed that as per the judgment of the Supreme Court in **D.K.Yadav v. M/s.J.M.A. Industries Ltd.,**, any Standing Orders providing for automatic loss of lien on account of the absence of the workman for eight days and termination on that basis without holding enquiry or issuing show cause notice are violative of principles of natural justice, therefore, such orders are liable to be set aside. The first respondent by following the above judgment, held that as the writ petitioner did not conduct any enquiry before passing the orders of taking away the lien of the second respondent, passed the award directing reinstatement of the second respondent into service with back wages and continuity of service as a fresh candidate. It was also mentioned in the award that it is open to the second respondent to accept seven months salary towards legal dues and compensation if offered by the management in lieu of reinstatement as a fresh candidate. The petitioner being aggrieved by the said award preferred this writ petition seeking the relief as mentioned above.

4. After going through the record, it is noticed that the order communicated to the second respondent was issued taking away his lien on the job under Standing Order No.12-A without conducting any enquiry and without giving opportunity to explain the circumstances under which he remained absent. In the light of the above circumstances, I do not find any grounds to

interfere with the award passed by the first respondent. There are no merits in the writ petition.

5. The writ petition is accordingly dismissed. No order as to costs.

26th September, 2005

SKM